



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, SEPTEMBER 27, 2006**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY REGULAR MEETING**

**7:00 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**PROCLAMATIONS**

**RECOGNITIONS**

**CITY COUNCIL REPORT**

Council Member Sellers

**CITY COUNCIL COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council and Redevelopment Agency Action***

**ADOPTION OF AGENDA**

## City Council Action

### CONSENT CALENDAR:

#### ITEMS 1-4

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
1.	<b><u>AUGUST 2006 FINANCE AND INVESTMENT REPORT – CITY</u></b> .....	1
	<b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	
2.	<b><u>AWARD OF CONTRACT FOR THE COMMUNITY PARK IMPROVEMENTS PROJECT PHASE I</u></b> .....	27
	<b><u>Recommended Action(s):</u></b>	
	1. <u>Award</u> Contract to Perma-Green Hydroseeding, Inc. for the Construction of the Community Park Improvements Project Phase I in the Amount of \$1,511,933; and	
	2. <u>Authorize</u> Expenditure of Construction Contingency Funds not to Exceed \$75,000.	
3.	<b><u>PERFORMANCE MEASURE UPDATE – FOURTH QUARTER FISCAL YEAR 2005-2006</u></b> .....	29
	<b><u>Recommended Action(s):</u></b> <u>Receive</u> and <u>File</u> Report.	
4.	<b><u>REJECTION OF BIDS FOR THE HILL ROAD, GALLANT FOX WAY, THOMAS GRADE AND OAK LEAF COURT SEWER REHABILITATION PROJECT</u></b> .....	41
	<b><u>Recommended Action(s):</u></b>	
	1. <u>Reject</u> the Bid Received on September 19, 2006 for the Construction of the Hill Road, Gallant Fox Way, Thomas Grade and Oak Leaf Court Sewer Rehabilitation Project; and	
	2. <u>Authorize</u> Staff to Re-Bid the Project.	

## Redevelopment Agency Action

### CONSENT CALENDAR:

#### ITEM 5

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
5.	<b><u>AUGUST 2006 FINANCE AND INVESTMENT REPORT – RDA</u></b> .....	43
	<b><u>Recommended Action(s):</u></b> <u>Receive</u> and <u>File</u> Report.	

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
6.	45 Minutes	<b><u>AQUATIC CENTER LANE RENTAL RATES AND MORGAN HILL SWIM CLUB REPAYMENT PLAN</u></b> .....	53
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Approve</u></b> the Proposed Aquatic Center Land Rental Rates Effective August 1, 2006; and	
		2. <b><u>Approve</u></b> the Morgan Hill Swim Club Repayment Plan and <b><u>Authorize</u></b> the City Manger to Execute a Contract; Subject to Review and Approval by the City Attorney.	
7.	20 Minutes	<b><u>WATER RATES</u></b> .....	73
		<b><u>Recommended Action(s):</u></b> <b><u>Take</u></b> No Action Regarding Water Rates or Perchlorate Surcharges, thus <b><u>Keeping</u></b> the Adopted Series of Rate Adjustments in Effect.	
8.	30 Minutes	<b><u>WILDLIFE SCULPTURE TRAIL ALONG LITTLE LLAGAS CREEK</u></b> .....	79
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Hear</u></b> Presentation and <b><u>Discuss</u></b> the Concept of a Wildlife Sculpture Trail Along Little Llagas Creek; and	
		2. <b><u>Refer</u></b> the Item to the Trails Master Plan Steering Committee to be Considered for Inclusion in the City of Morgan Hill Trails Master Plan.	
9.	10 Minutes	<b><u>PERCHLORATE UPDATE</u></b> .....	81
		<b><u>Recommended Action(s):</u></b> <b><u>Information</u></b> only at this time; Subject to <b><u>Recommendation</u></b> from Utilities and Environmental Committee's September 25, 2006 Meeting Regarding Perchlorate Treatment Policy.	

### FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### ADJOURNMENT

**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.